



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2405925
Applicant Name: Brittani Ard for Fairmont Development
Address of Proposal: 4510 Linden Avenue North

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into two (2) unit lots. This subdivision of property is only for the purpose of allowing the sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. The construction of two single family residences has been reviewed under project #2401735.

The following approval is required:

Short Subdivision – to create two unit lots.
(Chapter 23.24, Seattle Municipal Code).

SEPA - Environmental Determination
(Chapter 25.05, Seattle Municipal Code (SMC))

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

 ☐ DNS with conditions

 ☐ DNS involving non-exempt grading, or demolition, or involving
 another agency with jurisdiction.

BACKGROUND DATA

Zoning: Lowrise 3 (L-3)

Surrounding Zoning: North across, North 46th Street- Lowrise Duplex Triplex (LDT)

South- L-3

East across Aurora Avenue North- Commercial 1 with a 40 foot height limit (C1-40)

West- L-3

Uses on Site: Single Family residential

Substantive Site Characteristics: The site contains steep slopes on the northeastern portion of the site. The southwest portion of the site has been improved with a curb cut and parking pad likely used by the abutting single family home when the sites were commonly owned.

Proposal Description

The proposal is to subdivide one parcel into two (2) unit lots with vehicle access provided from Linden Avenue North for both homes. The proposed unit lot sizes are: A) 2,126 square feet and B) 2,048 square feet.

Note that the proposed construction has been reviewed for consistency with the applicable provisions of the Seattle Municipal Code under a separate project (Project No. 2401735; Permit No. 744154). The subject of this analysis and decision is only the proposed division of land.

Public Comments

One public comment letter was received during the public comment period which ended on September 15, 2004. The comment letter raised concerns about the construction of the new homes and did not directly address the subdivision of property.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition or deny a short plat.

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. Because this is a unit lot subdivision, development standards apply to the parent lot. There is no minimum lot size requirement in the L3 zone. The density standard stated in SMC Section 23.45.008, which permits no more than 1 unit for each 800 square feet, is met for the development as a whole. The proposal conforms to development standards in all other respects. Hence, the proposal is deemed to comply with applicable Land Use Code requirements. Any additional new construction would be required to meet development standards of the Land Use Code for the parent lot.
2. The lots are provided vehicular access from Linden Avenue North, consistent with the requirements of the Code.

The Seattle Fire Department has reviewed and approved this proposal for adequacy of access for emergency vehicles.

Seattle City Light provides electrical service to the subject property and has indicated that an easement is required for overhead and underground infrastructure. The easement as described in Seattle City Light memorandum dated October 1, 2004 to City of Seattle Short Subdivision No. 2405002 – P.M.# 250407-3-007 shall be included on the final plat prior to recording.

3. This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The Short Plat application has been reviewed by Seattle Public Utilities and Water Availability Certificate No. 2004-1306 was issued on September 3, 2004.

New construction with discharge to the sanitary sewer will require a side sewer permit. Plan review requirements regarding stormwater were made at the time of building permit application.

4. One objective of the subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing need. An equally important objective is to ensure that new development is compatible with neighborhood character. The proposed subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining

the character of the neighborhood. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

5. This site is in an environmentally critical area as defined in SMC 25.09.240. The northeastern portion of the site is designated as a steep slope; however, DPD granted an ECA exemption (Project #2401738) indicating that the slope appeared to be created by right of way improvements along North Phinney Way.
6. The record of survey does not show any existing trees on site.
7. Section 23.24.045 of the Seattle Municipal Code provides that sites developed or proposed to be developed with townhouses, cottage housing developments; residential cluster development and single-family residences may be subdivided into individual unit lots. The development as a whole shall meet development standards. However, as a result of this subdivision, development on the individual lots may be non-conforming. To assure that future owners have constructive notice that additional development may be limited due to nonconformities, the following statement shall be required to be included as a note on the final short subdivision:

The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.

The conformance of the proposed development as a whole with the applicable Code Provisions has been approved under Master Use Permit Number 2401735. Access easements and joint use and maintenance agreements shall be executed for parking areas and driveway and pedestrian access. Therefore, the proposed short subdivision conforms to the provisions of Section 23.24.045 for Unit Lot Subdivisions.

SUMMARY - SHORT SUBDIVISION

The unit lots to be created by this unit subdivision may not be individually consistent with the provisions of SMC 23.24.045 for the Lowrise 3 zoning development standards such as setbacks, density, and structure width and depth. However, the development when considered as a whole meets all standards set forth in the Land Use Code. This unit subdivision is provided with vehicular access, and public and private utilities and access, including emergency vehicles. Adequate provisions for water supply and sanitary sewage disposal have been provided for each unit lot and service is assured, subject to standard conditions governing utility extensions. An adequate provision for drainage control has also been provided.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**. See the conditions at the end of this report.

ANALYSIS - SEPA

The proposal site is located in a steep slope critical area, thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated September 17, 2004 and annotated by the Department. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 23.05.665) discusses the relationship between the City's code/policies and environmental review. The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact; it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitation. The Overview Policy in SMC 23.05.665 D1-7, states that in limited circumstances it may be appropriate to deny or mitigate a project based on adverse environmental impacts.

The policies for specific elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation, Plants and Animals and Shadows on Open Spaces).

The construction of the two single family homes under separate permit received an ECA exemption (2401738) in that the steep slopes were likely created by the right of way improvements for North Phinney Way. The construction project did not receive ECA review but was reviewed by DPD Geotechnical staff to ensure that the new development will be stable.

No physical or tangible changes to the environment result from this proposal and no adverse SEPA impacts are expected. The proposal is consistent with the regulations for Environmentally Critical Areas and no adverse impacts are anticipated; therefore, no SEPA mitigation is necessary.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

CONDITIONS - SEPA

None.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light on the final Short Subdivision.
4. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
5. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress, utility and pedestrian easements.

Signature: (signature on file) Date: December 2, 2004

Jess Harris, AICP, Senior Land Use Planner

JEH:rgc

K:\Signed Decisions\2405925.DOC